



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/589,257 | 07/14/2008 | Eral Foxenland | P50390025US2 | 6051 |
| 58561 7590 02/25/2010 HARRITY & HARRITY, LLP 11350 RANDOM HILLS ROAD SUITE 600 FAIRFAX, VA 22030 | | | EXAMINER D AGOSTA, STEPHEN M | |
| | | | ART UNIT 2617 | PAPER NUMBER |
| | | | MAIL DATE 02/25/2010 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/589,257 | Applicant(s) FOXENLAND, ERAL | |
| | Examiner Stephen M. D'Agosta | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim - 35 USC § 101

1. The method claims are compliant with 35 USC 101 since they recite statutory apparatus(es) being involved in performing the method steps.

2. The software program claims are statutory since they recite a program being stored/embodied on a computer readable medium whereby said program performs the method steps. Support is also found in the specification, page 14, Lines 5-10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Anderlind and further in view of Ratschunas and Eisinger (***all prior art cited is from applicant's IDS***).

As per **claims 1, 5, 9 and 13-14, 17-19, 22-24, 27-30**, Anderlind teaches a method for conditional displaying of an electronic message comprising at least one display condition for the message in a "message server" (Abstract, figure 4 and Para's #37 - #57), characterized by the steps of:

receiving the message from an external device (figure 4, S12)

Art Unit: 2617

determining the geographical position of the portable electronic device (Para #51)

determining whether the geographical position fulfills a geographical display condition of the message (Para #51); and

displaying the message in the portable electronic device if the at least one display condition is fulfilled (Para #51)

but is silent on the portable mobile device performing the functions/filtering.

Anderlind teaches a “message server” as providing the filtering since he claims that filtering by the mobile will cause battery drain (Para #61):

[0065] The method and system of the invention facilitates lower power consumption and advanced longevity of battery charges by allocating filtering tasks to the wireless data server, as opposed to the mobile station.

Hence one skilled understands that Anderlind has considered the filtering to be performed at EITHER the mobile or in the network (See Para #3 which teaches client-station filterin).

Further to this point is **Ratschunas**, who teaches a message filtering design whereby the message can be filtered at either the network or mobile device (Abstract teaches viewing a message, also see figure 1 showing mobile user and network for receiving/sending text/SMS/etc messages. While Ratschunas focuses on conditional “transmission” of a message, he also states that one can also provide for conditional “reception” of a message, page 5, L18-25 teaches the mobile determining to view/display a message from a particular originator. Also see page 5, L18 to page 6, L32. See page 5, L9-16 teaches location determination which is well known as well as page 5, L18 to page 6 L32 teaches using several different conditions in order to determine if the message should be displayed, eg. is the originator in the device’s directory/database or belong to a certain group, willingness to receive a certain type of message, is the user active or inactive, etc..

Note that Ratschunas does teach determining if a message is to be “sent” based on the location of the user (page 2, L22-27 teaches determining if a message should be sent as based on the location of the user):

“..When sending messages, it is often not always useful to transmit a message to a recipient MS. For example, in case such a message contains tourist information concerning a particular town, it is not useful to send this message to a user, who has left this town”.

Hence one skilled would also seek to provide this same service as based on receiving a message (eg. if the user is not in that area/town, then don't display a message if received).

Similarly, **Eisinger** teaches a sending unit transmitting a message to users within a certain geographical area/position (Abstract, figure 1, Para #1-17)

It would have been obvious to one skilled in the art at the time of the invention to modify Anderlind, such that the portable mobile device performing the functions/filtering, to provide means for either the network or mobile/client to perform filtering.

With further regard to claim 5, Anderlind teaches filtering a message as based on the location of the user while Ratschnas teaches filtering on various parameters (eg. location, etc) as based on the sending or receiving of a message, which reads on “comprising the step of entering said message, characterized by the steps of entering a at least one display condition comprising a geographical display condition for conditional displaying of the message; i0 appending said display condition to said message; and entering a receiver address to which the message should be sent”. As seen above, if a user addresses/sends a message (per Ratschnas) AFTER a user has left an area/town, then it wouldn't be delivered.

As per **claims 2, 6, 15 and 20**, the combo teaches claim 1/5/13 or 14/19, wherein the step of determining whether the geographical position fulfills the geographical display condition comprises determining whether the portable electronic device is located within a geographical area specified by the geographical display condition (Anderlind teaches determining the user's location and/or if the user is near a certain location, Para #51, while Eisinger teaches a sending unit transmitting a message to users within a certain geographical area/position (Abstract, figure 1, Para #1-17)

Art Unit: 2617

As per **claims 3, 8, 11, 16, 21 and 25-26**, the combo teaches claim 1 or 2/5/9 or 10/any of 13 to 15/19, wherein the 25 step of determining whether the geographical position fulfills the display condition comprises determining whether the portable electronic device is located within a certain distance specified by the geographical display condition from the location of another electronic device, which has transmitted the message (see Eisinger who teaches a sending unit transmitting a message to users within a certain geographical area/position but not to users outside that certain area with regard to the sending unit (Abstract, figure 1, Para #1-17, specifically Para #16).

As per **claims 4 and 10**, the combo teaches to any of the claims 1 to 3/9, further comprising the step of determining whether a time limit of a time display condition for indicating a final display time of the message has lapsed, wherein the step of displaying is executed if said time limit has not lapsed when the geographical display condition is fulfilled (Anderlind, Para #7 teaches using a TIMER, which can be used to displaying time-window. He also teaches providing time-sensitive data such as Stock or Sports scores which one skilled would provide a timer for as well, see Para #49. One skilled understands that any message that is time sensitive which has its timer expired will be purged).

As per **claim 7**, the combo teaches claim 5, wherein the step of entering the display condition comprises the step of entering a geographical area in which a portable electronic device to which the message should be forwarded should be located when the message is displayed (Anderlind teaches only sending a message if the recipient is within a certain area/location. Also Ratschunas teaches determining if a message is to be "sent" based on the location of the user (page 2, L22-27 teaches determining if a message should be sent as based on the location of the user):

"..When sending messages, it is often not always useful to transmit a message to a recipient MS. For example, in case such a message contains tourist information concerning a particular town, it is not useful to send this message to a user, who has left this town".

Art Unit: 2617

Hence one skilled would also seek to provide this same service as based on receiving a message (eg. if the user is not in that area/town, then don't display a message if received).

Similarly, Eisinger teaches a sending unit transmitting a message to users within a certain geographical area/position (Abstract, figure 1, Para #1-17)

As per **claim 12**, the combo teaches any the claims 9 to 11 , further comprising the step of receiving the geographical position of the electronic communication device being a portable electronic communication device, from said device itself (the prior art all teach determining the location of the mobile which can occur in many different well known manners, to include Triangulation (AOA, TDOA, etc), use of GPS onboard the mobile, etc).

>> Note that all above prior art is from applicant's IDS and hence no PTO-892 form is attached. The IDS has been signed and is included with this Non Final Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lun Yi Lao can be reached on 571-272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. D'Agosta/
Primary Examiner, Art Unit 2617